IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 1:11-cv-11905 Judge Richard G. Stearns	

CONSENT MOTION FOR EXTENSION OF TIME

Defendants Leon Panetta, Secretary of Defense, Eric Holder, Attorney General, and Eric Shinseki, Secretary of Veterans Affairs, and the United States of America, by and through undersigned counsel, respectfully move this Court to extend to February 28, 2012 the deadlines for (1) their answer or other response to the Complaint and (2) their response to Plaintiffs' motion for summary judgment. Plaintiffs consent to this extension request. In support of this motion, Defendants state as follows:

- 1. On October 27, 2011, Plaintiffs, who are current and former active duty members of the U.S. armed forces and their same-sex spouses, filed this action challenging the constitutionality of the Defense of Marriage Act, 1 U.S.C. § 7, as applied to Titles 10, 32, and 38 of the United States Code regarding military and veteran benefits. The suit also challenges the constitutionality of the definitional provisions in Titles 10, 32 and 38 of the term "spouse."
- 2. The United States Attorney for the District of Massachusetts was served on October 31, 2011. Pursuant to Federal Rule of Civil Procedure 12(a)(2), Defendants' answer or other response to the Complaint is currently due on December 30, 2011.

- 3. On November 21, 2011, Plaintiffs moved for summary judgment pursuant to Federal Rule of Civil Procedure 56(a). Under Local Rule 7.1(b)(2), Defendants' response to the motion is currently due on December 12, 2011.
- 4. Defendants, however, need more time than the current deadlines of December 30, 2011 and December 12, 2011, respectively, to respond to the Complaint and Plaintiffs' motion for summary judgment. Because the Complaint asserts constitutional claims against three separate federal agencies, the Departments of Justice, Defense and Veterans Affairs, coordination among these agencies is required, and thus, more time is needed for the government to prepare its response.
- 5. In addition, in the interest of judicial economy, Defendants believe that synchronizing the deadlines for their responses to the Complaint and Plaintiffs' motion for summary judgment will help streamline the case.
- 6. Accordingly, Defendants respectfully request that the deadlines for their answer or other response to the Complaint and for their response to Plaintiffs' motion for summary judgment be synchronized and that the deadlines for both be extended to February 28, 2012, sixty (60) days from the current answer date of December 30, 2011.

WHEREFORE, Defendants respectfully request that they be given until February 28, 2012 to answer or otherwise respond to the Complaint and to respond to Plaintiffs' motion for summary judgment.

Dated: December 5, 2011 Respectfully Submitted,

TONY WEST Assistant Attorney General

CARMEN M. ORTIZ United States Attorney

ARTHUR GOLDBERG Assistant Branch Director

/s/ Jean Lin

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Local Rule 7.1 Certificate

Pursuant to Local Rule 7.1(a)(2), undersigned counsel has conferred with counsel for Plaintiffs, Mr. Christopher Man, regarding this motion. Mr. Man indicated that Plaintiffs consent to Defendants' extension request.

> /s/ Jean Lin JEAN LIN

CERTIFICATE OF SERVICE

I certify that on December 5, 2011, I filed the foregoing Consent Motion for Extension of Time using the CM/ECF system, that a copy will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and that the attorneys for all parties in this case as listed below are registered CM/ECF participants:

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